

ESTTA Tracking number: **ESTTA491569**Filing date: **08/29/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Bora Creations S.L.
Granted to Date of previous extension	08/29/2012
Address	Paseo de Revellin 21, Planta 1 Ceuta, 51001 SPAIN

Domestic Representative	Michael J. Bevilacqua, Esq. Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 UNITED STATES michael.bevilacqua@wilmerhale.com Phone:617 526 6448
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Applicant Information

Application No	85333717	Publication date	05/01/2012
Opposition Filing Date	08/29/2012	Opposition Period Ends	08/29/2012
Applicant	ESSENCE COLLECTION PO Box 1003 Jamesport, NY 11947 UNITED STATES		

Goods/Services Affected by Opposition


Class 003. All goods and services in the class are opposed, namely: Cosmetics in general, including perfumes; Liquid perfumes; Perfume
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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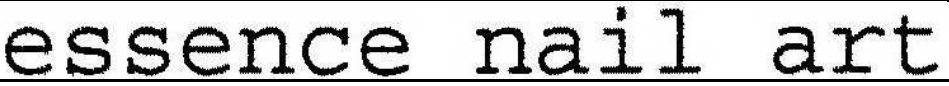
Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3159643	Application Date	03/12/2003
Registration Date	10/17/2006	Foreign Priority Date	NONE
Word Mark	E ESSENCE		

Design Mark	
Description of Mark	The mark consists of the word "essence" in all lower case letters with an "e" in a circle design above the word "essence".
Goods/Services	Class 003. First use: First Use: 2004/12/15 First Use In Commerce: 2004/12/15 cosmetics and hair lotions

U.S. Registration No.	3440830	Application Date	06/02/2005
Registration Date	06/03/2008	Foreign Priority Date	12/03/2004
Word Mark	E ESSENCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 008. First use: Manual tools and instruments for cosmetics and for decorating finger and toe nails, namely, nail files, scissors and tweezers for the nails, and nail clippers for giving shape to the nails</p> <p>Class 016. First use: finger nail stickers</p> <p>Class 021. First use: Hair combs and hair brushes, cosmetic sponges, cosmetic brushes, small wooden and plastic applicator sticks for applying makeup</p> <p>Class 026. First use: Decorative articles for the hair, namely, hair clips, hair bands and garlands for the hair</p> <p>Class 035. First use: Retail store services featuring cosmetic products and articles and perfumery products</p>		

U.S. Registration No.	3983484	Application Date	03/31/2010
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Registration Date	06/28/2011	Foreign Priority Date	10/02/2009
Word Mark	ESSENCE NAIL ART		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: Perfumery; cosmetics; soaps; nail polish; nail polish remover; preparations for cleaning, care and beautification of the skin and nails, namely, nail buffing preparations, nail cream, nail enamel, nail enamel removers, lotions for strengthening nails, nail polish base coat, nail polish top coat, nail hardeners, nail varnishes; decorative cosmetics and nail care products included in this class, namely, nail stencils, nail tips, nail glitter, nail decals and stickers, nail stamps and stamp pads, pens for applying decorative cosmetics to nails, nail magnets, nail jewels, nail tattoos, nail transfer foils, and adhesives for nail transfer foils; goods for modeling and making false nails included in this class, namely, artificial nails and adhesives for artificial nails</p> <p>Class 008. First use: Hand-operated apparatus and instruments for decorative care of fingernails and toenails, namely, nail files, nail files in the nature of sand files for nails, and instruments for piercing finger nails; nail buffers; callus files; nail clippers; cuticle tweezers; nail scissors; cuticle cutters; nail and cuticle pincers; manicure and pedicure sets</p> <p>Class 021. First use: Combs and brushes, namely, hair brushes, nail brushes, and shaving brushes; sponges for cosmetic use, namely, sponges for applying and removing make-up, nail polish, or decorative nail products; brushes for cosmetics</p>		

U.S. Registration No.	4043870	Application Date	03/31/2010
Registration Date	10/25/2011	Foreign Priority Date	10/02/2009
Word Mark	ESSENCE PURE SKIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: Perfumery; cosmetics; soaps for body care; non-medicated skin care preparations for cleaning, care and beautification of the skin; wipes and cotton pads impregnated with skin cleanser for face care; pre-moistened cosmetic wipes and cosmetic pads for removing make-up; cotton in the form of wipes and pads for cosmetic purposes</p>		

	<p>Class 005. First use: pharmaceutical preparations and substances for skin care; medicated skin care preparations; acne treatment preparations</p> <p>Class 021. First use: combs and hair brushes; facial sponges for applying makeup; cosmetic brushes</p>
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U.S. Application No.	77488446	Application Date	06/02/2008
Registration Date	NONE	Foreign Priority Date	NONE


Word Mark	ESSENCE POCKET BEAUTY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 003. First use: Cosmetics; cotton and cotton buds for cosmetic purposes, make-up removal preparations, preparations for removing polishes, varnishes for the nails and preparations for nail care, soaps, bars of soap, shampoos, shower gel, personal deodorants, cosmetic preparations for hair care, hair dyes and colorants, cosmetic hairdressing preparations, hair gels, scented hair gel, hair sprays, body sprays, body sprays for the face, beauty masks for the face and eyes, cosmetic skin creams, cosmetic face cream, lotions for cosmetic purposes, dentrifices, dental care preparations, namely, toothpaste and mouthwash, non-medicated oral care preparations, namely, toothpaste and mouthwash, cosmetic lipsticks, non-medicated lip care preparations, tissues impregnated with cosmetic lotions, sun protection preparations, namely, sun tan lotion, and cosmetic sun-tanning preparations, cleansing milk for body care and beauty purposes, cosmetics for body and beauty care, make-up, make-up preparations, facial care preparations for cosmetic purposes only, namely, facial cleanser and facial moisturizer, facial care preparations for removing sheen, namely, skin toners, non-medicated facial care preparations for covering skin blemishes, cosmetic preparations for skin care as well as for external application in the case of skin blemishes, such as spots, blackheads and skin rashes; essential oils</p> <p>Class 005. First use: Pharmaceutical preparations for skin care and for external application in the case of skin blemishes, such as spots, blackheads and skin rashes</p> <p>Class 026. First use: Adhesive tape for clothes with two adhesive faces, adhesive tape for attaching clothes</p>
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U.S. Application No.	77490426	Application Date	06/04/2008
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	E ESSENCE POCKETBEAUTY
Design Mark	
Description of Mark	The mark consists of the letter "e" inside a circle, above the word "essence." Beneath "essence" is "pocketbeauty", with the tail of the "y" underlining the word.
Goods/Services	<p>Class 003. First use:</p> <p>Cosmetics; cotton and cotton buds for cosmetic purposes, make-up removal preparations, preparations for removing polishes, varnishes for the nails and preparations for nail care, soaps, bars of soap, shampoos, shower gel, personal deodorants, cosmetic preparations for hair care, hair dyes and colorants, cosmetic hairdressing preparations, hair gels, scented hair gel, hair sprays, body sprays, body sprays for the face, beauty masks for the face and eyes, cosmetic skin creams, cosmetic face cream, lotions for cosmetic purposes, dentrifices, dental care preparations, namely, toothpaste and mouthwash, non-medicated oral care preparations, namely, toothpaste and mouthwash, cosmetic lipsticks, non-medicated lip care preparations, tissues impregnated with cosmetic lotions, sun protection preparations, namely, sun tan lotion, and cosmetic sun-tanning preparations, cleansing milk for body care and beauty purposes, cosmetics for body and beauty care, make-up, make-up preparations, facial care preparations for cosmetic purposes only, namely, facial cleanser and facial moisturizer, facial care preparations for removing sheen, namely, skin toners, non-medicated facial care preparations for covering skin blemishes, cosmetic preparations for skin care as well as for external application in the case of skin blemishes, such as spots, blackheads and skin rashes; essential oils</p> <p>Class 005. First use:</p> <p>Pharmaceutical preparations for skin care and for external application in the case of skin blemishes, such as spots, blackheads and skin rashes</p> <p>Class 026. First use:</p> <p>Adhesive tape for clothes with two adhesive faces, adhesive tape for attaching clothes</p>

U.S. Application No.	85044979	Application Date	05/21/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	E ESSENCE		

Design Mark			
Description of Mark	The mark consists of a lowercase "e" in a circle above "essence" in lowercase.		
Goods/Services	<p>Class 003. First use: hair coloring and tinting preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, non-medicated preparations all for the care of skin, hair and scalp, namely, preparations for cleaning, care and beautification of the skin, scalp and hair, decorative cosmetics, false eyelashes, nail care preparations, nail varnishes, nail varnish removers, products for modelling and making false fingernails, namely adhesives for attaching artificial fingernails, artificial fingernails, fingernail decals, emery boards</p> <p>Class 004. First use: candles, scented candles</p> <p>Class 008. First use: hand-operated implements and instruments for the cosmetic and decorative care of finger and toe nails, namely, nail files, nail scissors, tweezers, sand files for fingernails, fingernail polishers, callus files, nail clipper, cuticle knife, pincers, manicure and pedicure sets</p> <p>Class 014. First use: costume jewellery</p> <p>Class 016. First use: stationery, paper, cardboard, finger nail stickers</p> <p>Class 021. First use: combs and hairbrushes, cosmetic sponges, namely, sponges for applying make-up, brushes for cosmetics</p> <p>Class 025. First use: Clothing, namely, t-shirts, shirts, blouses, turtlenecks, sweatshirts, sweatpants, dresses, jumpers, sweaters, jackets, vests, pants, skirts, hats, caps, scarves, visors, gloves and socks, hats, shorts, bathing suits, ladies, men and children's underwear, sleepwear, footwear, headwear</p> <p>Class 026. First use: hair ornaments, namely, hair slides, hair bands, hair rings, namely, barrettes</p> <p>Class 035. First use: retail stores services featuring cosmetic products; mail order services featuring cosmetic products; on-line retail stores services featuring cosmetic products</p>		
U.S. Application No.	85059101	Application Date	06/10/2010
Registration Date	NONE	Foreign Priority Date	05/21/2010
Word Mark	E BY ESSENCE		

Design Mark	e by essence
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: Hair coloring and tinting preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, non-medicated preparations all for the care of skin, scalp and hair, namely, preparations for cleaning, care and beautification of the skin, scalp and hair, decorative cosmetics, false eyelashes, nail care preparations, nail varnishes, nail varnish removers, products for modelling and making false fingernails, namely, adhesives for attaching artificial fingernails, artificial fingernails, fingernail decals, emery boards</p> <p>Class 008. First use: Hand-operated implements and instruments for the cosmetic and decorative care of finger and toe nails, namely, nail files, nail scissors, tweezers, sand files for fingernails, fingernail polishers, callus files, nail clipper, cuticle knife, pincers, manicure and pedicure sets</p> <p>Class 021. First use: combs and hairbrushes, cosmetic brushes, nail brushes, face brushes, body brushes, cosmetic sponges, namely, sponges for applying make-up, brushes for cosmetics</p>

U.S. Application No.	85059105	Application Date	06/10/2010
Registration Date	NONE	Foreign Priority Date	05/26/2010
Word Mark	E BY ESSENCE		
Design Mark			
Description of Mark	The mark consists of a lowercase "e" in a circle, next to the word "by" in lowercase and above the word "essence" in lowercase.		
Goods/Services	<p>Class 003. First use: Hair coloring and tinting preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, non-medicated preparations all for the care of skin, scalp and hair, namely, preparations for cleaning, care and beautification of the skin,</p>		

	<p>scalp and hair, decorative cosmetics, false eyelashes, nail care preparations, nail varnishes, nail varnish removers, products for modelling and making false fingernails, namely, adhesives for attaching artificial fingernails, artificial fingernails, fingernail decals, emery boards</p> <p>Class 008. First use:</p> <p>Hand-operated implements and instruments for the cosmetic and decorative care of finger and toe nails, namely, nail files, nail scissors, tweezers, sand files for fingernails, fingernail polishers, callus files, nail clipper, cuticle knife, pincers, manicure and pedicure sets</p> <p>Class 021. First use:</p> <p>combs and hairbrushes, cosmetic brushes, nail brushes, face brushes, body brushes, cosmetic sponges, namely, sponges for applying make-up, brushes for cosmetics</p>
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Attachments	<p>76978272#TMSN.gif (1 page)(bytes)</p> <p>79016465#TMSN.jpeg (1 page)(bytes)</p> <p>79082610#TMSN.jpeg (1 page)(bytes)</p> <p>85002660#TMSN.jpeg (1 page)(bytes)</p> <p>77488446#TMSN.jpeg (1 page)(bytes)</p> <p>77490426#TMSN.jpeg (1 page)(bytes)</p> <p>85044979#TMSN.jpeg (1 page)(bytes)</p> <p>85059101#TMSN.jpeg (1 page)(bytes)</p> <p>85059105#TMSN.jpeg (1 page)(bytes)</p> <p>ESSENCE COLLECTION NOP.PDF (8 pages)(398338 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/barbara a. barakat/
Name	Barbara A. Barakat, Esq.
Date	08/29/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 85/333717

Published in the Official Gazette at TM on May 1, 2012

Bora Creations S.L.,)	
)	
Opposer)	
)	
v.)	Opposition No.
)	
Essence Collection,)	
)	
Applicant)	

BOX TTAB/FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Bora Creations S.L., a corporation organized and existing under the laws of Spain, located and doing business at Paseo de Revellin 21, Planta 1, Ceuta, 51001 Spain, believes that it will be damaged by the registration of the trademark “ESSENCE COLLECTION” as shown in Application Serial No. 85/333717, filed May 31, 2011, by Essence Collection (hereinafter “Applicant”), and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant seeks registration on the Principal Register of the trademark “ESSENCE COLLECTION” for use in connection with cosmetics in general, including perfumes; liquid perfumes; perfume, as evidenced by the publication of said trademark in the May 1, 2012 issue of the Official Gazette.

2. Opposer is now, and has been for some time, engaged in providing beauty and cosmetic products worldwide.

3 Opposer adopted the mark “ESSENCE” in connection with its beauty and cosmetic products in the United States at least as early as December 2004, and has been using the mark in connection with the products ever since. Such use has been valid and continuous since the date of first use and has not been abandoned.

4. Opposer is the owner of the following United States registrations and pending applications: Registration No. 3,159,643 for the mark “E ESSENCE & Design” for use in connection with cosmetics and hair lotions; Registration No. 3,440,830 for the mark “E ESSENCE & Design” in connection with manual tools and instruments for cosmetics and for decorating finger and toe nails, namely, nail files, scissors and tweezers for the nails, and nail clippers for giving shape to the nails, finger nail stickers, hair combs and hair brushes, cosmetic sponges, cosmetic brushes, small wooden and plastic applicator sticks for applying makeup, decorative articles for the hair, namely, hair clips, hair bands and garlands for the hair and retail store services featuring cosmetic products and articles and perfumery products; Registration No. 3,983,484 for the mark “ESSENCE NAIL ART” in connection with perfumery, cosmetics, soaps, nail polish, nail polish remover, preparations for cleaning, care and beautification of the skin and nails, namely, nail buffing preparations, nail cream, nail enamel, nail enamel removers, lotions for strengthening nails, nail polish base coat, nail polish top coat, nail hardeners, nail varnishes, decorative cosmetics and nail care products included in this class, namely, nail stencils, nail tips, nail glitter, nail decals and stickers, nail stamps and stamp pads, pens for applying decorative cosmetics to nails, nail magnets, nail jewels, nail tattoos, nail transfer foils, and adhesives for nail transfer foils, goods for modeling and making false nails included in this

class, namely, artificial nails and adhesives for artificial nails, hand-operated apparatus and instruments for decorative care of fingernails and toenails, namely, nail files, nail files in the nature of sand files for nails, and instruments for piercing finger nails; nail buffers; callus files; nail clippers; cuticle tweezers; nail scissors; cuticle cutters; nail and cuticle pincers; manicure and pedicure sets, combs and brushes, namely, hair brushes, nail brushes, and shaving brushes; sponges for cosmetic use, namely, sponges for applying and removing make-up, nail polish, or decorative nail products; brushes for cosmetics; Registration No. 4,043870 for the mark ESSENCE PURE SKIN in connection with perfumery; cosmetics; soaps for body care; non-medicated skin care preparations for cleaning, care and beautification of the skin; wipes and cotton pads impregnated with skin cleanser for face care; pre-moistened cosmetic wipes and cosmetic pads for removing make-up; cotton in the form of wipes and pads for cosmetic purposes; pharmaceutical preparations and substances for skin care; medicated skin care preparations; acne treatment preparations; combs and hair brushes; facial sponges for applying makeup; cosmetic brushes; Application Serial No. 77/488446 for the mark ESSENCE POCKET BEAUTY in connection with cosmetics; cotton and cotton buds for cosmetic purposes, make-up removal products, preparations for removing polishes, varnishes for the nails and preparations for nail care, soaps, bars of soap, shampoos, shower gel, personal deodorants, cosmetic products for hair care, hair dyes and colorants, hairdressing products, hair gels, scented gel, hair sprays, body sprays, face sprays, beauty masks for the face and eyes, cosmetic skin creams, cosmetic face cream, lotions for cosmetic purposes, dentifrices, dental care products, non-medicated oral care products, cosmetic lipsticks, lip care products, tissues impregnated with cosmetic lotions, sun protection products and cosmetic sun-tanning preparations, cleansing milk for body care and beauty purposes, products for body care and beauty purposes, make-up, make-up products, facial

care products, facial care products for removing sheen, facial care products for covering skin blemishes, cosmetic preparations for skin care as well as for external application in the case of skin blemishes, such as spots, blackheads and skin rashes; essential oils, pharmaceutical preparations for skin care and for external application in the case of skin blemishes, such as spots, blackheads and skin rashes, adhesive tape for clothes with two adhesive faces, adhesive tape for attaching clothes; Application Serial No. 77/490426, filed June 4, 2008, for the mark “E ESSENCE POCKETBEAUTY & Design” in connection with cosmetics, cotton and cotton buds for cosmetic purposes, make-up removal products, preparations for removing polishes, varnishes for the nails and preparations for nail care, soaps, bars of soap, shampoos, shower gel, personal deodorants, cosmetic products for hair care, hair dyes and colorants, hairdressing products, hair gels, scented gel, hair sprays, body sprays, face sprays, beauty masks for the face and eyes, cosmetic skin creams, cosmetic face cream, lotions for cosmetic purposes, dentifrices, dental care products, non-medicated oral care products, cosmetic lipsticks, lip care products, tissues impregnated with cosmetic lotions, sun protection products and cosmetic sun-tanning preparations, cleansing milk for body care and beauty purposes, products for body care and beauty purposes, make-up, make-up products, facial care products, facial care products for removing sheen, facial care products for covering skin blemishes, cosmetic preparations for skin care as well as for external application in the case of skin blemishes, such as spots, blackheads and skin rashes, essential oils, pharmaceutical preparations for skin care and for external application in the case of skin blemishes, such as spots, blackheads and skin rashes, adhesive tape for clothes with two adhesive faces, adhesive tape for attaching clothes; Application Serial No. 85/044979, filed May 21, 2010, for the mark “E ESSENCE & Design” in connection with hair coloring and tinting preparations, soaps, perfumery, essential oils, cosmetics, hair lotions,

non-medicated preparations all for the care of skin, hair and scalp, namely, preparations for cleaning, care and beautification of the skin, scalp and hair, decorative cosmetics, false eyelashes, nail care preparations, nail varnishes, nail varnish removers, products for modelling and making false fingernails, namely adhesives for attaching artificial fingernails, artificial fingernails, fingernail decals, emery boards, candles, scented candles, hand-operated implements and instruments for the cosmetic and decorative care of finger and toe nails, namely, nail files, nail scissors, tweezers, sand files for fingernails, fingernail polishers, callus files, nail clipper, cuticle knife, pincers, manicure and pedicure sets, costume jewellery, stationery, paper, cardboard, finger nail stickers, combs and hairbrushes, cosmetic sponges, namely, sponges for applying make-up, brushes for cosmetics, clothing, namely, t-shirts, shirts, blouses, turtlenecks, sweatshirts, sweatpants, dresses, jumpers, sweaters, jackets, vests, pants, skirts, hats, caps, scarves, visors, gloves and socks, hats, shorts, bathing suits, ladies, men and children's underwear, sleepwear, footwear, headwear, hair ornaments, namely, hair slides, hair bands, hair rings, namely, barrettes, and retail stores services featuring cosmetic products; mail order services featuring cosmetic products; on-line retail stores services featuring cosmetic products; Application Serial No. 85/059101, filed June 10, 2010 for the mark "e by essence" in connection with hair coloring and tinting preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, non-medicated preparations all for the care of skin, scalp and hair, namely, preparations for cleaning, care and beautification of the skin, scalp and hair, decorative cosmetics, false eyelashes, nail care preparations, nail varnishes, nail varnish removers, products for modelling and making false fingernails, namely, adhesives for attaching artificial fingernails, artificial fingernails, fingernail decals, emery boards, hand-operated implements and instruments for the cosmetic and decorative care of finger and toe nails, namely, nail files, nail scissors, tweezers,

sand files for fingernails, fingernail polishers, callus files, nail clipper, cuticle knife, pincers, manicure and pedicure sets, combs and hairbrushes, cosmetic brushes, nail brushes, face brushes, body brushes, cosmetic sponges, namely, sponges for applying make-up, brushes for cosmetics; Application Serial No. 85/059105, filed June 10, 2010, for the mark “E BY ESSENCE & Design” in connection with hair coloring and tinting preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, non-medicated preparations all for the care of skin, scalp and hair, namely, preparations for cleaning, care and beautification of the skin, scalp and hair, decorative cosmetics, false eyelashes, nail care preparations, nail varnishes, nail varnish removers, products for modelling and making false fingernails, namely, adhesives for attaching artificial fingernails, artificial fingernails, fingernail decals, emery boards, hand-operated implements and instruments for the cosmetic and decorative care of finger and toe nails, namely, nail files, nail scissors, tweezers, sand files for fingernails, fingernail polishers, callus files, nail clipper, cuticle knife, pincers, manicure and pedicure sets, combs and hairbrushes, cosmetic brushes, nail brushes, face brushes, body brushes, cosmetic sponges, namely, sponges for applying make-up, brushes for cosmetics, collectively, the ““ESSENCE” marks.”

5. Opposer’s “ESSENCE” marks are symbolic of the extensive goodwill and recognition built up by Opposer through continuous use of said mark over a substantial period of time.

6. Opposer has expended considerable effort and expense in promoting its “ESSENCE” marks and the goods sold under such mark, with the result that the purchasing public has come to know, rely upon, and recognize the products of Opposer by such marks. Opposer has exceedingly valuable goodwill established in its marks.

7. Application Serial No. 85/333717 for registration of the mark “ESSENCE COLLECTION” was filed on May 31, 2011, based upon Applicant’s bona fide intent to use said mark. Thus, Opposer actually began using its ESSENCE marks more than 6 years prior to the filing date of Applicant’s application. Opposer’s applications and registrations were all filed prior the filing date of Applicant’s intent-to-use application.

8. Opposer’s “ESSENCE” marks and Applicant’s mark “ESSENCE COLLECTION” are virtually identical, given that the applicant has entered a disclaimer of the term “COLLECTION.”

9. The goods which are identified in Opposer’s applications and registrations for the “ESSENCE” marks are identical or closely related to the goods identified in the Applicant’s application to register “ESSENCE COLLECTION,” and on information and belief, will be marketed through the same or similar channels of trade or to the same or similar class of consumers.

10. By reason of Opposer’s extensive use of its “ESSENCE” marks, the public will believe that the Applicant’s use of its mark “ESSENCE COLLECTION” is sponsored or approved by Opposer and that the quality of the goods bearing the Applicant’s mark has been approved and/or maintained by Opposer.

11. In view of these similarities, Applicant’s use of the mark “ESSENCE COLLECTION” is likely to cause confusion, mistake, or deception with respect to Opposer’s “ESSENCE” marks and to damage the goodwill represented and symbolized by the mark.

12. Based on the foregoing, Applicant’s registration of the mark “ESSENCE COLLECTION” on the Principal Register of the United States Patent and Trademark Office would clearly cause injury and damage to the Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's mark "ESSENCE COLLECTION" as shown in Application Serial No. 85/333717 be refused.

Respectfully submitted,

BORA CREATIONS S.L.



Michael J. Bevilacqua

Reg. No. 31,091

Barbara A. Barakat

Reg. No. 32,190

Attorneys for Opposer

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6154
August 29, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August 2012, I served the foregoing Notice of Opposition by First Class Mail upon Counsel for Applicant addressed as follows:

JONATHAN A. FALLON, ESQ.
FALLON & FALLON LLC
63 W MAIN ST STE E
FREEHOLD, NJ 07728-2141



Barbara A. Barakat